

**A G E N D A**  
**JAMES CITY COUNTY WETLANDS BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, Virginia 23188**  
**June 10, 2020**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. Minutes from May 13, 2020, Regular Meeting

**D. PUBLIC HEARINGS**

1. Case No. WJPA 20-0014/VMRC 20-0643 : 3181 Derby Lane

**E. BOARD CONSIDERATIONS**

**F. MATTERS OF SPECIAL PRIVILEGE**

**G. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 6/10/2020  
TO: Wetlands Board  
FROM: Trevor Long  
SUBJECT: Minutes from May 13, 2020, Regular Meeting

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**ATTACHMENTS:**

	Description	Type
☐	Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	6/2/2020 - 4:15 PM
Wetlands Group	Small, Toni	Approved	6/8/2020 - 8:56 AM
Publication Management	Burcham, Nan	Approved	6/8/2020 - 9:01 AM
Wetlands Group	Secretary, Wetland	Approved	6/8/2020 - 2:10 PM

**MINUTES**  
**JAMES CITY COUNTY WETLANDS BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**May 13, 2020**  
**5:00 PM**

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**A. CALL TO ORDER**

The Wetlands Board meeting for May 13, 2020, was called to order.

The responsibility of this Board is to carry out locally the Commonwealth policy to preserve the wetlands and to accommodate economic activity so as to prevent its despoliation.

**B. ROLL CALL**

**Board Members Present:**

William Apperson, Acting Chair  
David Gussman  
Charles Roadley  
Larry Waltrip  
Halle Dunn

**Board Members Absent:**

None

**Other Staff Present:**

Toni Small, Director, Stormwater and Resource Protection  
Liz Parman, Assistant County Attorney  
Michael Woolson, Senior Watershed Planner, Stormwater and Resource Protection  
Trevor Long, Watershed Planner, Stormwater and Resource Protection

1. Election of officers

Mr. Waltrip nominated Mr. Apperson to serve as Chair. Mr. Roadley seconded the nomination.

The nomination was approved. The result was: 5-0

Ayes: Apperson, Dunn, Gussman, Waltrip, Roadley  
Nays: None  
Absent: None

Mr. Roadley nominated Mr. Halle Dunn to serve as Vice Chair. Mr. Gussman seconded the nomination.

The nomination was approved. The result was: 5-0

Ayes: Apperson, Dunn, Gussman, Waltrip, Roadley  
Nays: None  
Absent: None

## C. MINUTES

1. Minutes from March 11, 2020, Regular Meeting

A motion to Approve the minutes was made by Mr. Apperson. The minutes were approved on a voice vote.

## D. PUBLIC HEARINGS

1. Case No. WJPA 20-0005 / VMRC 20-0266 : 541 Neck-O-Land Road

Mr. Trevor Long, Watershed Planner, presented the permit request submitted by Dorothy Geyer, National Park Service, on behalf of Kym Hall, Colonial National Historic Park, who have applied for a wetlands permit for two sections of sandbag revetments at and west of the College Creek parking lot located off of the James River at the property located at 541 Neck-O-Land Road, within the James River watershed. The property is further identified as James City County Parcel No.5610100001. The presentation described the current site conditions, proposed construction and proposed mitigation. Staff recommended approval of the permit with conditions.

The Board deliberated the pros and cons of this permit.

Mr. Apperson inquired about the length of time for this project.

Mr. Long explained the Park Service does have the intent to install breakwater structures in the future which are funding dependent. The second portion of the revetment project has a structure above the bluff.

Mr. Waltrip inquired which measures were being considered for the erosion on the banks.

Mr. Long replied that the use of sandbags armoring the banks would mitigate the erosion of the banks.

Mr. Roadley inquired about the design of the project. He has no issue with the design. He commented that the height of the structure seemed rather short.

Mr. Long replied the Colonial National Historic Park had consulted the Army Corps of Engineers concerning the engineering design portion of the project.

Mr. Apperson opened, then closed the Public Hearing, as no one wished to speak.

Mr. Roadley made a motion to adopt the Resolution to grant the permit for Wetlands Board Case No. WJPA 20-0005 / VMRC 20 -0266 at 541 Neck-O-Land.

A motion to Approve w/Conditions was made by Mr. Roadley, the motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Apperson, Dunn, Gussman, Waltrip, Roadley

Nays: None

Absent: None

2. Case No. WJPA 20-0008 / VMRC 20-0373 : 1010 Kingsmill Road

Mr. Michael Woolson, Senior Watershed Planner, presented the permit request submitted by



Mr. John Wandling, on behalf of Williamsburg Sailing Foundation, who has applied for a wetlands permit for the construction of a floating dock at the Kingsmill Marina over non-vegetated tidal wetlands located at 1010 Kingsmill Road, lying within the James River watershed. The property is further identified as James City County Parcel No. 5040100002C. The presentation described the current site conditions and proposed construction. Staff recommended approval of the permit with conditions.

The Board deliberated the pros and cons of this permit.

Mr. Apperson opened, then closed the Public Hearing, as no one wished to speak.

Mr. Dunn made a motion to adopt the Resolution to grant the permit for Wetlands Board Case No. WJPA 20-0008 / VMRC 20-0373 at 1010 Kingsmill Road.

A motion to Approve w/Conditions was made by Mr. Dunn, the motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Apperson, Dunn, Gussman, Waltrip, Roadley  
Nays: None  
Absent: None

#### **E. BOARD CONSIDERATIONS**

Mr. Woolson introduced Mr. Michael O'Brien, recently appointed to the Wetlands Board by the Board of Supervisors.

Mr. Apperson asked Wetlands Board members to review House Bill 776 before the General Assembly on Living Shorelines and formulate questions for Mr. Woolson to research.

Mr. Woolson summarized House Bill 776 which would make mandatory Living Shorelines the approach throughout the Commonwealth of Virginia. He explained that the VMRC would need to clarify some language. The House Bill will be effective July 1, 2020.

Mr. Roadley provided guidance that Living Shorelines would be the preferred method for shoreline stabilization effective July 1, 2020.

##### **1. REMOTE PARTICIPATION POLICY**

Liz Parman made a presentation on the Remote Participation Policy for the Wetlands Board.

A motion to Approve was made by Mr. Apperson, the motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Apperson, Dunn, Gussman, Waltrip, Roadley  
Nays: None  
Absent: None

#### **F. MATTERS OF SPECIAL PRIVILEGE**

None

#### **G. ADJOURNMENT**

A motion to Adjourn was made by Mr. Apperson and approved on a voice vote.

The meeting adjourned at 5:20 p.m.

**ITEM SUMMARY**

DATE: 6/10/2020

TO: Wetlands Board

FROM: Trevor Long

SUBJECT: Glen Horner has applied for a wetlands permit for the construction of a bulkhead at 3181 Derby Lane, JCC Parcel No. 4540300008.

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**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Site Plan	Exhibit
☐	Joint Permit Application	Exhibit
☐	APO Letter	Backup Material
☐	APO List	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Small, Toni	Approved	6/8/2020 - 1:44 PM
Wetlands Group	Small, Toni	Approved	6/8/2020 - 1:45 PM
Publication Management	Burcham, Nan	Approved	6/8/2020 - 1:48 PM
Wetlands Group	Secretary, Wetland	Approved	6/8/2020 - 2:10 PM

**WETLANDS BOARD CASE No. WJPA 20-0014/VMRC 20-0643. 3181 Derby Lane  
Staff Report for the June 10, 2020, Wetlands Board Public Hearing**

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*This staff report is prepared by James City County Stormwater and Resource Protection to provide information to the Wetland Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.*

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**EXISTING SITE DATA AND INFORMATION**

Applicant: Mr. Glenn Horner

Owner/Agent: Same

Location: 3181 Derby Lane

Parcel: Lot 8, Drummonds Quarters on the James

Parcel Identification No.: 4540300008

Watershed: James River (HUC JL35)

Floodplain: Zone VE - Coastal flood zone with wave action, base flood elevation determined to be 12 feet mean sea level

Proposed Activity: Install a bulkhead

Wetland Impacts: Zero vegetated or non-vegetated wetlands subject to the local Wetlands Board jurisdiction

Staff Contact: Michael D. Woolson, Senior Watershed Planner Phone: 253-6823

**PROJECT DISCUSSION**

Mr. Glen Horner has applied for a wetlands permit to construct a bulkhead on property located at 3181 Derby Lane within the Drummonds Field subdivision and the James River watershed. The property is further identified as James City County Tax Map Parcel No. 4540300008.

There is an existing, failed concrete bulkhead on the property that has been increasingly sloughing towards the river over the past two years. For this reason, the applicant is proposing to reconstruct a 200-linear-foot vinyl sheet pile bulkhead. The applicant has expressed concern that erosion is threatening the structural stability of his patio and rear yard. While there are no vegetated wetland impacts associated with this application, the bulkhead does fall within the Wetlands Board jurisdiction and it is for this reason that WJPA-20-0014 appears before the Board.

**MITIGATION DISCUSSION**

As published in the *Virginia Register* on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to “achieve a no-net loss of existing wetlands acreage and function in the signatories’ regulatory programs.” In order for a proposed project to be authorized to impact wetlands and compensate for the wetland loss in some prescribed manner, the following three criteria must be met:

1. All reasonable mitigative efforts, including alternative siting, which would eliminate or minimize wetland loss or disturbance must be incorporated in the proposal; and
2. The proposal must clearly be water dependent in nature; and
3. The proposal must demonstrate clearly its need to be in the wetlands and its overwhelming public and private benefits.

If the proposed project cannot meet one or more of the above criteria, the project must be denied or must occur in areas outside of wetlands. Should it satisfy all three criteria, however, compensation for the wetland loss is required. The sequence of acceptable mitigation options should be as follows: on-site, off-site within the same watershed, mitigation bank(s) in the same watershed or a payment of an in-lieu fee. If compensation is required, it should be a condition of the permit.

Staff has reviewed this application and finds that this project meets the three criteria outlined above. As there are no vegetated wetland impacts, no mitigation is required.

### **STAFF RECOMMENDATIONS**

Staff recommends approval of the application. Should the Board wish to approve the application, staff suggests the following conditions be incorporated into the approval:

1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project; and
2. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approval and permits prior to commencement of such activities; and
3. The Wetlands Permit for this project shall expire on June 10, 2021, if construction has not begun; and
4. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than April 29, 2021, six weeks prior to the expiration date.

MDW/nb  
WJPA20-14VMRC20-643

#### Attachments:

1. Resolution
2. Joint Permit Application

## RESOLUTION

CASE NO. WJPA 20-0014/VMRC 20-0643. 3181 DERBY LANE

### JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Glenn Horner (the “Applicant”), has applied to the Wetlands Board of James City County (the “Board”) to request a permit to use and develop in areas designated as wetlands on property identified as James City County Real Estate Tax Parcel No. 4540300008 and further identified as 3181 Derby Lane (the “Property”) as set forth in the application WJPA 20-0014/VMRC 20-0643; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, BE IT RESOLVED that the Wetlands Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

1. The anticipated public and private benefit of the proposed activity in the wetlands exceeds its anticipated public and private detriment.
2. The proposed development conforms to the standards prescribed in Section 28.2-1308 of the Code of Virginia, and the guidelines promulgated pursuant to Section 28.2-1301 of the Code of Virginia.
3. The proposed activity does not violate the purpose and intent of Chapter 22 of the James City County Code or Sections 28.2-1300 et. seq. of the Code of Virginia.
4. In granting this Wetlands Permit, the following conditions are hereby imposed:
  - a. The applicants must obtain all other necessary local, state, and/or federal permits required for the project.
  - b. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
  - c. The Wetlands Permit for this project shall expire on June 10, 2021, if construction has not begun; and
  - d. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than April 10, 2021, six weeks prior to the expiration date.

\_\_\_\_\_  
William Apperson  
Chairman, Wetlands Board

\_\_\_\_\_  
Michael Woolson  
Secretary to the Board

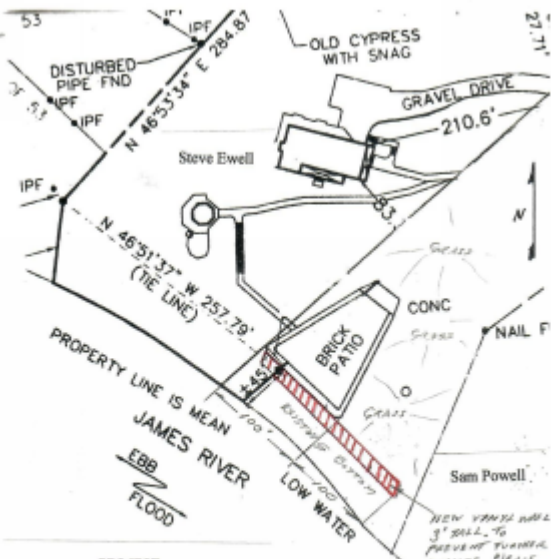
Adopted by the Wetlands Board of James City County, Virginia, this 10th day of June, 2020.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

WJPA20-14VMRC20-643-res



PROJECT:

HORNER PROPERTY PRESERVATION  
 3181 Derby Lane  
 Williamsburg, Va. 23185  
 757-664-8789

Date: 4-13-2020



**From:** [Glenn](#)  
**To:** [JPA.permits@mrc.virginia.gov](mailto:JPA.permits@mrc.virginia.gov); [gwhorner@cox.net](mailto:gwhorner@cox.net)  
**Subject:** Permit for Horner Property preservation  
**Date:** Thursday, April 16, 2020 1:14:31 PM  
**Attachments:** [See all attachments](#)

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To Whom it may concern:

Please find enclosed page references regarding subject permit request:

PART 1: General Information; Pages 5, 6, 7

PART 2: Signatures: Pages 9, 10, 11 (Powell), 12 (Ewell)

APPENDIX B checklist: Pages 13, 14

PART 3: Appendix B Pages 17, 18

PROJECT DRAWING: Page 19

EXHIBITS: A and B

Thank you for processing this application. Would you kindly advise if further information is needed.

Glenn Horner  
3181 Derby Lane  
Williamsburg, Va. 23185

Res: 757-564-8789  
Cell: 757-876-3638

- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at [http://ccrm.vims.edu/permits\\_web/guidance/local\\_wetlands\\_boards.html](http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html).

FOR AGENCY USE ONLY	
	Notes:
	JPA # 20-0643

## APPLICANTS

### Part 1 – General Information

**PLEASE PRINT OR TYPE ALL ANSWERS:** If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach 8-1/2 x 11 inch sheets of paper.

<i>Check all that apply</i>				
Pre-Construction Notification (PCN) <input type="checkbox"/>	Regional Permit 17 (RP-17) <input checked="" type="checkbox"/>			
NWP # _____ <i>(For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)</i>				
<b>County or City in which the project is located:</b> <u>James City County</u>				
<b>Waterway at project site:</b> <u>James River</u>				
<i>PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)</i>				
Historical information for past permit submittals can be found online with VMRC - <a href="https://webapps.mrc.virginia.gov/public/habitat/">https://webapps.mrc.virginia.gov/public/habitat/</a> - or VIMS - <a href="http://ccrm.vims.edu/perms/newpermits.html">http://ccrm.vims.edu/perms/newpermits.html</a>				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial

## Part 1 - General Information (continued)

1. Applicant's legal name\* and complete mailing address: Contact Information:  
Glenn W. Horner Home (757) 564-8789  
3181 Derby Lane Work ( ) \_\_\_\_\_  
Williamsburg, Va 23185 Fax ( ) \_\_\_\_\_  
Cell (757) 876-3638  
e-mail gwhorner@cox.net  
State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_
2. Property owner(s) legal name\* and complete address, if different from applicant: Contact Information:  
Home ( ) \_\_\_\_\_  
Work ( ) \_\_\_\_\_  
Fax ( ) \_\_\_\_\_  
Cell ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_  
State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_
3. Authorized agent name\* and complete mailing address (if applicable): Contact Information:  
Home ( ) \_\_\_\_\_  
Work ( ) \_\_\_\_\_  
Fax ( ) \_\_\_\_\_  
Cell ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_  
State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

**\* If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

To install protective wall directly in front of, existing patio edge to prevent further undermining of patio and erosion of property. Material will be vinyl sheet pile mfg by Everlast Synthetic Products. Length of protective wall is 200ft. Approx 3ft tall. Method of installation is by using a Collins model 150# hammer. Access is from back yard. No tree clearing or grading is required.

Project pictures and drawing are at end of application...



**Part 1 - General Information (continued)**

5. Have you obtained a contractor for the project? \_\_\_ Yes\* X No. \*If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name\* and complete mailing address:

Contact Information:

Home ( ) \_\_\_\_\_

Work ( ) \_\_\_\_\_

Fax ( ) \_\_\_\_\_

Cell ( ) \_\_\_\_\_

email \_\_\_\_\_

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

**\* If multiple contractors, each must be listed and each must sign the applicant signature page.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

Telephone number

The Virginia Gazette  
1430 High Street, Unit 504  
Williamsburg, Va. 23188

(757 ) 220-1736

7. Give the following project location information:

Street Address (911 address if available) 3181 Derby Lane

Lot/Block/Parcel# Lot 8

Subdivision None

City / County Williamsburg/James City County ZIP Code 23185

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

37.234910 / -76.796910 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.*

N/A

8. What are the *primary and secondary purposes of and the need for* the project? For example, the primary purpose may be "to protect property from erosion due to boat wakes" and the secondary purpose may be "to provide safer access to a pier."

To protect patio and property from further erosion and collapse. Please note pictures supplied.

## Part 1 - General Information (continued)

9. Proposed use (check one):  
 Single user (private, non-commercial, residential)  
 Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*  
Should have no impact to wetlands, surface waters, submerged lands of buffer areas.  
Please note pictures.
11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed?  Yes  No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
12. Approximate cost of the entire project (materials, labor, etc.): \$ 8500.00  
Approximate cost of that portion of the project that is channelward of mean low water:  
\$ 0
13. Completion date of the proposed work: As Soon As Possible - \_\_\_\_\_
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.
- Samuel Powel  
3200 Derby Lane  
Williamsburg, Va. 23185
- Steve Ewell  
3201 Derby Lane  
Williamsburg, Va. 23185



## Part 2 - Signatures

### 1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

**PRIVACY ACT STATEMENT:** The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

**CERTIFICATION:** I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Glenn W Horner

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

  
Applicant's Signature

(Use if more than one applicant)

4/14/20  
Date

Property Owner's Legal Name (printed/typed)  
(If different from Applicant)

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

**Part 2 – Signatures (continued)**

**ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM**

I (we), Samuel Powell, own land next to (across the water  
(Print adjacent/nearby property owner's name)  
from/on the same cove as) the land of Glenn Horner  
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 4-13-20  
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT \_\_\_\_\_ ABOUT THE PROJECT.

I DO NOT OBJECT  TO THE PROJECT.

I OBJECT \_\_\_\_\_ TO THE PROJECT.

**The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.**

(Before signing this form be sure you have checked the appropriate option above).

  
Adjacent/nearby property owner's signature(s)

4-14-20  
Date

**Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.**

**Part 2 – Signatures (continued)**

**ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM**

I (we), Steve Ewell, own land next to (across the water  
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of Glenn Horner  
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 4-13-20  
(Date)

to be submitted for all necessary federal, state and local permits.

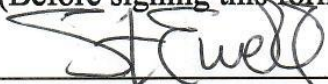
I HAVE NO COMMENT  ABOUT THE PROJECT.

I DO NOT OBJECT  TO THE PROJECT.

I OBJECT  TO THE PROJECT.

**The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.**

(Before signing this form, be sure you have checked the appropriate option above).

  
Adjacent/nearby property owner's signature(s)

4/14/20  
Date

**Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.**





**U.S. Army Corps  
Of Engineers**  
Norfolk District

**APPENDIX B**

**REGIONAL PERMIT 17 CHECKLIST**

Expires: September 5, 2023

Please review the 18-RP-17 enclosure before completing this form and note 18-RP-17 can only be used for proposed **PRIVATE USE** structure(s) that comply with the terms and conditions of 18-RP-17. Copies can be obtained online at <http://www.nao.usace.army.mil/Missions/Regulatory/RBregional/>.

- YES  NO  (1) Has the permittee reviewed the 18-RP-17 enclosure and verified that the proposed structure(s) is in compliance with all the terms, conditions, and limitations of 18-RP-17?
- YES  NO  (2) Does the proposed structure(s) extend no more than one-fourth of the distance across the waterway measured from either mean high water (MHW) to MHW (including all channelward wetlands) or ordinary high water (OHW) to OHW (including all channelward wetlands)?
- YES  NO  (3) Does the proposed structure(s) extend no more than 300 feet from MHW or OHW (including all channelward wetlands)?
- YES  NO  N/A  (4) Does the proposed structure(s) attach to the upland at a point landward of MHW or OHW (including all channelward wetlands)?
- YES  NO  N/A  (5) If the proposed structure(s) crosses wetland vegetation, is it an open-pile design that has a maximum width of five (5) feet and a minimum height of four (4) feet between the decking and the wetland substrate?
- YES  NO  N/A  (6) Does the proposed structure(s) include no more than two (2) boatlifts and no more than two (2) boat slips?
- YES  NO  N/A  (7) Is the open-sided roof structure designed to shelter a boat  $\leq$  700 square feet and/or is the open sided roof structure or gazebo structure designed to shelter a pier  $\leq$  400 square feet?
- YES  NO  N/A  (8) Are all piles associated with the proposed structure(s) non-steel, less than or equal to 12" in diameter, and will less than or equal to 25 piles be installed channelward of MHW?
- YES  NO  N/A  (9) Is all work occurring behind cofferdams, turbidity curtains, or other methods to control turbidity being utilized when operationally feasible and federally listed threatened or endangered species may be present?
- YES  NO  N/A  (10) If the proposed structure(s) is to be located within an anadromous fish use area, the prospective permittee will adhere to the anadromous fish use area time of year restriction (TOYR) prohibiting in-water work from occurring between February 15 through June 30 of any given year if (1) piles are to be installed with a cushioned impact hammer and there is less than 492 feet between the most channelward pile and mean low water (MLW) on the opposite shoreline or (2) piles are to be installed with a vibratory hammer and there is less than 384 feet between the most channelward pile and MLW on the opposite shoreline.
- YES  NO  (11) Is all work occurring outside of submerged aquatic vegetation (SAV) mapped by the Virginia Institute of Marine Sciences' (VIMS) most recent survey year and 5 year composite?
- YES  NO  (12) Has the permittee ensured the construction and/or installation of the proposed structure(s) will not affect federally listed threatened or endangered species or designated critical habitat?
- YES  NO  (13) Will the proposed structure be located outside of Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton?
- YES  NO  (14) Will the proposed structure(s) be located outside of the waterways containing a Federal Navigation Project listed in Permit Specific Condition 12 of 18-RP-17 and/or will all portions of the proposed structure(s) be located more than 85 feet from the Federal Navigation Project?



- YES  NO  (15) Will the proposed structure(s) be located outside a USACE Navigation and Flood Risk Management project area?
- YES  NO  (16) Will the proposed structure(s) be located outside of any Designated Trout Waters?
- YES  NO  N/A  (17) If the proposed structure(s) includes flotation units, will the units be made of materials that will not become waterlogged or sink if punctured?
- YES  NO  N/A  (18) If the proposed structure(s) includes flotation units, will the floating sections be braced so they will not rest on the bottom during periods of low water?
- YES  NO  (19) Is the proposed structure(s) made of suitable materials and practical design so as to reasonably ensure a safe and sound structure?
- YES  NO  (20) Will the proposed structure(s) be located on the property in accordance with the local zoning requirements?
- YES  NO  N/A  (21) If the proposed structure(s) includes a device used for shellfish gardening, will the device be attached directly to a pier and limited to a total of 160 square feet?
- YES  NO  N/A  (22) If the proposed structure(s) includes a device used for shellfish gardening, does the permittee recognize this RP does not negate their responsibility to obtain an oyster gardening permit (General Permit #3) from Virginia Marina Resources Commission's Habitat Management Division?
- YES  NO  (23) Does the permittee recognize this RP does not authorize any dredging or filling of waters of the United States (including wetlands) and does not imply that future dredging proposals will be approved by the Corps?
- YES  NO  (24) Does the permittee understand that by accepting 18-RP-17, the permittee accepts all of the terms and conditions of the permit, including the limits of Federal liability contained in the 18-RP-17 enclosure? Does the permittee acknowledge that the structures permitted under 18-RP-17 may be exposed to waves caused by passing vessels and that the permittee is solely responsible for the integrity of the structures permitted under 18-RP-17 and the exposure of such structures and vessels moored to such structures to damage from waves? Does the permittee accept that the United States is not liable in any way for such damage and that it shall not seek to involve the United States in any actions or claims regarding such damage?

**IF YOU HAVE ANSWERED "NO" TO ANY OF THE QUESTIONS ABOVE, REGIONAL PERMIT 17 (18-RP-17) DOES NOT APPLY AND YOU ARE REQUIRED TO OBTAIN WRITTEN AUTHORIZATION FROM THE CORPS PRIOR TO PERFORMING THE WORK.**

**IF YOU HAVE ANSWERED "YES" (OR "N/A", WHERE APPLICABLE) TO ALL OF THE QUESTIONS ABOVE, YOU ARE IN COMPLIANCE WITH REGIONAL PERMIT 17 (18-RP-17). PLEASE SIGN BELOW, ATTACH, AND SUBMIT THIS CHECKLIST WITH YOUR COMPLETED JOINT PERMIT APPLICATION (JPA). THIS SIGNED CERTIFICATE SERVES AS YOUR LETTER OF AUTHORIZATION FROM THE CORPS. YOU WILL NOT RECEIVE ANY OTHER WRITTEN AUTHORIZATION FROM THE CORPS; HOWEVER, YOU MAY NOT PROCEED WITH CONSTRUCTION UNTIL YOU HAVE OBTAINED ALL OTHER NECESSARY STATE AND LOCAL PERMITS.**

**I CERTIFY THAT I HAVE READ AND UNDERSTAND ALL CONDITIONS OF THE REGIONAL PERMIT 17 (18-RP-17), DATED SEPTEMBER 2018, ISSUED BY THE US ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT REGULATORY BRANCH (CENAO-WRR), NORFOLK, VIRGINIA.**



Signature of Property Owner(s) or Agent

Date 4/14/20

Application Revised: October 2019

Proposed work to be located at:

3181 Derby Lane

Williamsburg, Va 23185

VMRC Number: \_\_\_\_\_



### Part 3 – Appendices (continued)

**Appendix B: Projects for Shoreline Stabilization** in tidal wetlands, tidal waters and dunes/beaches including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

**NOTE:** It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **Information on non-structural, vegetative alternatives (i.e., Living Shoreline) for shoreline stabilization is available at [http://ccrm.vims.edu/coastal\\_zone/living\\_shorelines/index.html](http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html).**

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

Bulkhead, seawall, installed butting front of patio edge to prevent further undermining and collapse of patio and further erosion of property. Please see pictures attached. No fill required except directly under patio to fill void and prevent collapse.

2. What is the maximum encroachment channelward of mean high water? 0 feet.  
Channelward of mean low water? 0 feet.  
Channelward of the back edge of the dune or beach? 0 feet.

3. Please calculate the square footage of encroachment over:
  - Vegetated wetlands 0 square feet
  - Non-vegetated wetlands 0 square feet
  - Subaqueous bottom 0 square feet
  - Dune and/or beach 0 square feet

4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? \_\_\_ Yes  No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? \_\_\_ Yes \_\_\_ No.

If no, please provide an explanation for the purpose and need for the additional encroachment.

Please excuse! Do not understand question 4.. Seawall is to save patio and prevent further undermining and erosion of property. There will be no encroachment anywhere.

### Part 3 – Appendices (continued)

5. Describe the type of construction and all materials to be used, including source of backfill material, if applicable (e.g., vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

**NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.**

Seawall material is vinyl sheet pile. Under patio void will be concrete.

6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:

Core (inner layer) material N/A pounds per stone      Class size           
 Armor (outer layer) material N/A pounds per stone      Class size         

7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

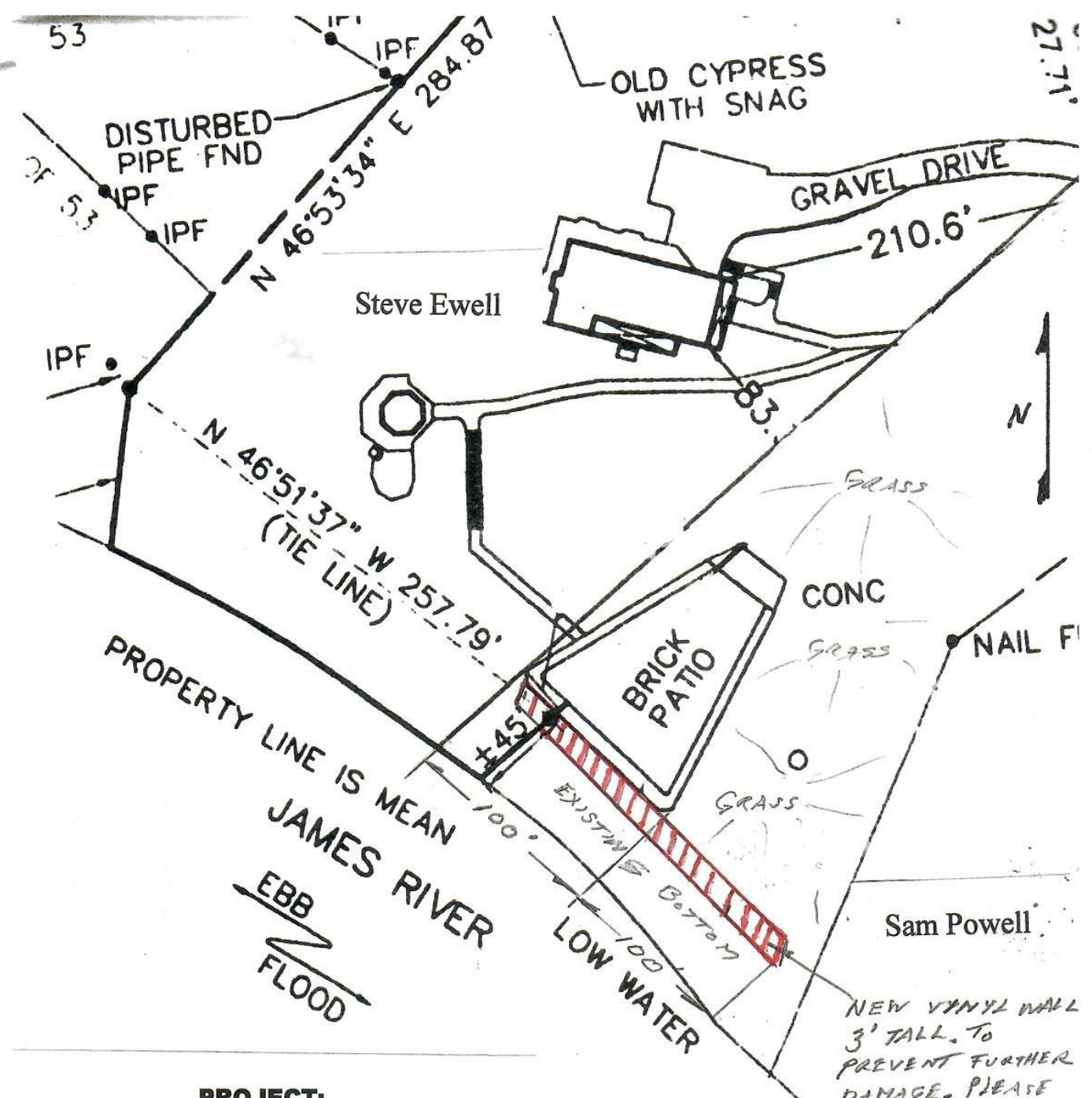
- Volume of material
 

<u>N/A</u>	cubic yards channelward of mean low water
<u>N/A</u>	cubic yards landward of mean low water
<u>N/A</u>	cubic yards channelward of mean high water
<u>N/A</u>	cubic yards landward of mean high water
- Area to be covered
 

<u>N/A</u>	square feet channelward of mean low water
<u>N/A</u>	square feet landward of mean low water
<u>N/A</u>	cubic yards channelward of mean high water
<u>N/A</u>	cubic yards landward of mean high water
- Source of material, composition (e.g. 90% sand, 10% clay): N/A
- Method of transportation and placement: N/A
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at <http://www.vims.edu/about/search/index.php?q=planting+guidelines>:

N/A





**PROJECT:**

**HORNER PROPERTY PRESERVATION**

3181 Derby Lane  
 Williamsburg, Va. 23185  
 757-564-8789

Date: 4-13-2020

NEW VINYL WALL  
 3' TALL TO  
 PREVENT FURTHER  
 DAMAGE. PLEASE  
 NOTE PICTURE  
 ATTACHMENTS.

PG 19

... SURVEYORS















**General Services**  
107 Tewning Road  
Williamsburg, VA 23188  
P: 757-259-4080  
General.Services@jamescitycountyva.gov  
[jamescitycountyva.gov](http://jamescitycountyva.gov)

<b>Capital Projects</b> 107 Tewning Road Williamsburg, VA 23188 757-259-4080	<b>Fleet</b> 103 Tewning Road Williamsburg, VA 23188 757-259-4122	<b>Stormwater and Resource Protection</b> 101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	<b>Facilities &amp; Grounds</b> 113 Tewning Road Williamsburg, VA 23188 757-259-4080	<b>Solid Waste</b> 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
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May 20, 2020

RE: WJPA-20-0014  
3181 Derby Lane  
Bulkhead - Seawall

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Wetlands Board by Mr. Glenn W. Horner, Trustee of Horner Family Living Trust for encroachment into the tidal wetlands associated with construction of a bulkhead or seawall. The project is located at 3181 Derby Lane and further identified as JCC Parcel No. 4540300008.

A complete description, plan and other information are on file in the Stormwater and Resource Protection Division and are available for inspection during normal business hours, should anyone desire to review them.

The Wetlands Board will hold an advertised public hearing on **Wednesday, June 10, 2020 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

*Michael D. Woolson*

Michael D. Woolson  
Wetlands Board Secretary  
757-253-6670  
michael.woolson@jamescitycountyva.gov

MDW: jep



Mailing List for: WJPA-20-0014 – 3181 Derby Lane – Horner Family Living Trust–  
Bulkhead

Applicant: 4540300008  
Horner Family Living Trust  
Attn: Mr. Glenn W Horner, Trustee & June M  
Horner, Trustee  
3181 Derby Lane  
Williamsburg, VA 23185-1498

4540300009-3180 Derby Lane  
4540300001-3188 Derby Lane  
Powell, Samuel T & Merle M  
3200 Derby Lane  
Williamsburg, VA 23185-1463

4540300010  
Ewell, Gray Ann G  
3201 Derby Lane  
Williamsburg, VA 23185-1464

4540300007  
Ruggles, Stephen L, Trustee & Linda L,  
Trustee  
3189 Derby Lane  
Williamsburg, VA 23185-1464

Virginia Marine Resource Center  
Attn: Ms. Allison Norris  
380 Fenwick Road, Building 96  
Fort Monroe, VA 23651-1064

Department of Game and Inland Fisheries  
P.O Box 90778  
Henrico, VA 23228-0778

VIMS Wetlands Program  
Attn: Ms. Dawn Fleming  
P.O. Box 1346  
Gloucester Point, VA 23062-1346

State Water Control Board  
c/o Department of Environmental Quality  
P.O. Box 1105  
Richmond, VA 23218-1105

VDOT  
4451 Ironbound Road  
Williamsburg, VA 23188-2621

Regulatory Branch Army Corps of Engineers  
803 Front Street  
Norfolk, VA 23510-1011